



GOVERNOR JEFF COLYER, M.D.
JACKIE MCCLASKEY, SECRETARY OF AGRICULTURE

ELECTRONIC SIGNATURE POLICY

I. Purpose

This Electronic Signature Policy ("Policy") establishes the requirements for the use of electronic signatures in lieu of handwritten signatures at the Kansas Department of Agriculture ("KDA") in connection with official KDA activities pursuant to K.S.A. 16-1607.

This Policy shall ensure that electronic signatures are used consistently within KDA and shall provide the written standard for governing the use of electronic signatures pursuant to K.S.A. 16-1605.

This Policy shall apply to all KDA employees, programs, divisions and vendors, and governs all uses of electronic signatures in connection with official KDA activities.

This Policy does not mandate the use of electronic signatures or otherwise limit the rights of parties to conduct transactions on paper.

II. Definitions

Approved Electronic Signature Method: An Electronic Signature Method that has been approved by the Secretary in compliance with this Policy and all applicable laws and regulations and is appropriate for the circumstances in which the Electronic Signature is obtained. In order to be approved, an Electronic Signature Method shall:

- Support the applicable business purpose and workflow.
- Permit the information to be retrievable in the future and is auditable.
- Include the ability for signers to opt out of an electronic signature should they elect to sign an agreement manually.

Approved Non-Standard Electronic Signature Use: A Non-Standard Electronic Signature Use that has been approved by the Secretary.

Basic Electronic Signature: A signature process that involves the application of a hand-signature mark on an electronic document that is then protected by a cryptographic digital certificate.

Click-to-Sign Electronic Signature: A signature process that includes check boxes, acceptance button, e-squiggles, scanned images, typed names, or other similar methods that indicate a signature or agreement.

Electronic Signature: means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

Electronic Signature Method: with respect to any Electronic Signature Use, the method by which the identity of the applicable signatory and his/her intent to use an Electronic Signature has been verified.

ITEC: Kansas Information Technology Executive Council

OITS: Kansas Office of Information Technology Services

Non-Standard Electronic Signature Use: any Electronic Signature Use other than a Standard Electronic Signature Use.

Secretary: The Secretary of Agriculture, or her designated representative.

Standard Electronic Signature Use: an Electronic Signature Use described in Section III (B)(3) of this Policy.

For a list of additional definitions, please see K.S.A. 16-1602:

http://kslegislature.org/li_2016/b2015_16/statute/016_000_0000_chapter/016_016_0000_article/016_016_0002_section/016_016_0002_k/

III. Policy

This Policy applies to transactions between KDA and any affiliate or third party, each of whom has agreed to conduct transactions by electronic means. Transactions internal to KDA are not subject to this Policy.

A. Use of an Electronic Signature

1. Subject to the limitations and approval required by this Policy, when any policy, law or regulation requires that a record be executed by a responsible person, the execution of such record may be evidenced by an Electronic Signature obtained using an Approved Electronic Signature Method.
2. The mere fact that an individual signs a record using an Approved Electronic Signature Method does not guarantee that the record has been signed by a person authorized to sign or approve such record. KDA programs and/or divisions should use appropriate procedures to confirm that the person signing the record has the appropriate authority. These procedures may include, but are not limited to, requiring verification at time of inspection, or requiring that the signer provide

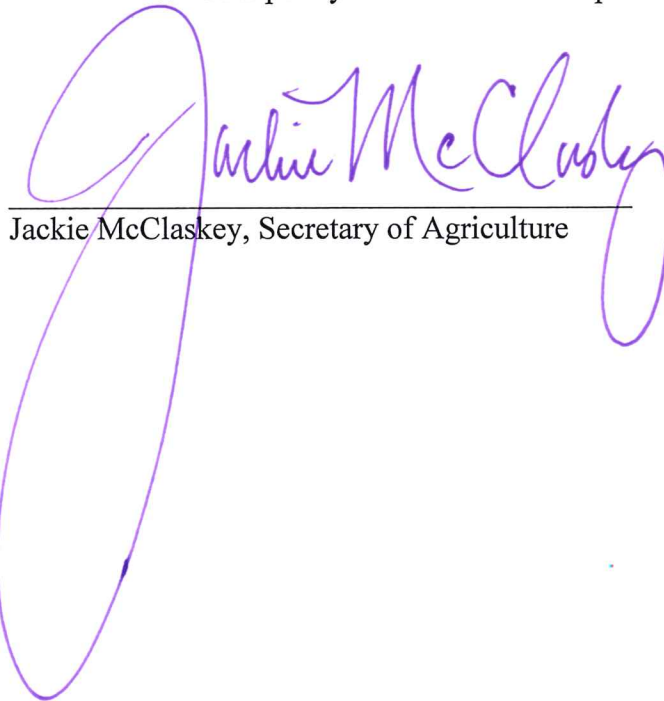
additional documentation that can verify identity and/or authorization.

3. If an individual acting on behalf of KDA has questions about whether the use of an Electronic Signature in a particular situation is an Approved Electronic Signature Use, the individual should consult with the Secretary or the Chief Information Officer.

B. Approval of Electronic Signature Methods and Electronic Signature Use.

1. The Secretary is responsible for approving all Electronic Signature Methods and Electronic Signature Uses.
2. When approving an Electronic Signature Method, the Secretary will consider whether such method (a) appropriately verifies the identities of the signatories, (b) appropriately demonstrates their intent to sign the applicable record and (c) is in compliance with OITS/ITEC security standards.
3. Subject to appropriate program and/or division review and approval and all applicable laws and regulations, the following types of Electronic Signature Methods are Standard Electronic Signature Uses and are deemed to be pre-approved by the Secretary:
 - Click-to-Sign Electronic Signatures.
 - Basic Electronic Signatures.
4. All Non-Standard Electronic Signature Uses must be approved by the Secretary prior to use. When reviewing requests for approval, the Secretary will consider the sensitivity, value, and operational importance of the circumstances in which the Electronic Signature will be used.
5. If the Electronic Signature Method is used to establish a business or working relationship between KDA and the signing party, including the provision of services by KDA, then the Electronic Signature Method shall include approved terms of service that are made available to the signing party during the signing process. The terms of service shall outline the following, as applicable or necessary, to each specific signature:
 - Disambiguation/definition of key words and phrases.
 - User rights and responsibilities.
 - Proper or expected usage.
 - Definition of "misuse."
 - Accountability for actions, behavior and conduct.
 - Privacy policy outlining the use of personal data.
 - Payment details such as membership or subscription fees, etc.
 - Opt-out policy describing procedure for account termination, if available.

- Arbitration detailing the dispute resolution process and limited rights to take a claim to court.
 - Disclaimer/Limitation of Liability clarifying the site's legal liability for damages incurred by users.
 - User notification upon modification of terms, if offered.
 - Any other terms, conditions, rights, or responsibilities deemed necessary by KDA.
6. Electronic Signature Methods or Electronic Signature Uses may be approved for particular electronic records, particular classes of electronic records, or particular divisions or units of KDA.
7. The Secretary has the authority to revoke approval for any Electronic Signature Method or Electronic Signature Use if he or she deems that such Method or Use is no longer appropriate. The Secretary may, in her discretion, require that records signed using an Electronic Signature Method that is no longer approved be signed again using an Approved Electronic Signature Method.
8. This policy shall be effective upon signature by the Secretary.



Jackie McClaskey, Secretary of Agriculture

7/19/2018
Date